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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID MATA,

Defendant.

Case No. 3:22-cr-00171-RS

**Stipulation and Order Relating
Cases [Civil L.R. 3-12] Related**

Case Nos:

3:22-cv-02563-SI

3:22-cv-2565-JD

The parties stipulate and agree as to the following:

1. The parties to this stipulation are the named plaintiff and the named defendants in the following two civil actions: *SEC v. Block Bits Capital, LLC, Block Bits Capital GP I, LLC and Japheth Dillman*, 3:22-cv-02563-SI (“the Dillman Civil Case”); and *SEC v. David Mata*, 3:22-cv-2565-JD (“the Mata Civil Case”) (collectively, “the Block Bits Civil Cases”).

2. Local Civil Rule 3-12 provides that whenever a party knows that an action in this district is related to another action pending in this district, the party must promptly file in the lowest-numbered case an Administrative Motion to Consider Whether Cases Should Be Related.

3. Here, as further discussed below, the two Block Bits Civil Cases are related to two corresponding criminal cases in this district. The earliest filed case with a district judge assignment is Stipulation and Order Relating Cases 3:22-cr-00171-RS

1 *U.S. v. Mata*, 22-cr-171-RS, which is assigned to the Judge Seeborg. Accordingly, the parties believe
 2 that, pursuant to Local Rule 3-12, the two Block Bits Civil Cases should be reassigned to Judge
 3 Seeborg as well.

4 4. “The Block Bits Criminal Cases”: On April 26, 2022, the United States filed criminal
 5 cases against Japheth Dillman (*U.S. v. Japheth Dillman*, 3:22-mj-70518 MAG) (“the Dillman
 6 Criminal Case”) and David Mata (*U.S. v. David Mata*, 22-cr-00171-RS) (“the Mata Criminal Case”)
 7 (collectively, “the Block Bits Criminal Cases”). The complaints charged Dillman and Mata with wire
 8 fraud, in violation of 18 U.S.C. § 1343. In the affidavit in support of the Dillman complaint, the
 9 United States alleged that Dillman and Mata made misrepresentations in the promotion of their
 10 enterprise, the Block Bits Fund I. In the Mata Criminal Case, Mata pled guilty before Judge Seeborg
 11 and is pending sentencing. The Dillman Criminal Case has not yet been assigned to a district court
 12 judge. However, because the Dillman and Mata Criminal Cases involve the same alleged
 13 transactions and events, it is likely that the Dillman Criminal Case will eventually also be assigned to
 14 Judge Seeborg.

15 5. “The Block Bits Civil Cases”: On April 27, 2022, the SEC filed a civil action against
 16 Block Bits Capital, LLC, Block Bits Capital GP I, LLC and Japheth Dillman. *See SEC v. Block Bits*
 17 *Capital, LLC, Block Bits Capital GP I, LLC and Japheth Dillman*, 3:22-cv-02563-SI. The SEC also
 18 filed a separate civil action against David Mata. *See SEC v. David Mata*, 3:22-cv-2565-JD. The
 19 allegations in the SEC civil complaints are substantially the same as the allegations in the Block Bits
 20 Criminal Cases, namely that Dillman and Mata made misrepresentations in the promotion of their
 21 enterprise, the Block Bits Fund I. The SEC filed a separate action against Mata because the SEC and
 22 Mata had worked out a partial resolution of the matter and filed a consent and proposed judgment at
 23 the time of filing the complaint.

24 6. The Dillman Civil Case is currently assigned to Judge Illston. Japheth Dillman is
 25 currently representing himself *pro se*. The parties to this case recently agreed to waivers of service
 26 for the defendants, and also to a joint stipulation to stay the Dillman Civil Case until resolution of the
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1 Dillman Criminal Case. On July 8, 2022, Judge Illston approved and signed the stipulation to stay.
2 The parties to this case believe that the stay should remain in effect if the case is reassigned.

3 7. The Mata Civil Case is currently assigned to the Judge Donato. The parties to this
4 case anticipate filing a stipulation to stay the Mata Civil Case pending resolution of the Mata
5 Criminal Case. The initial Case Management Conference is currently scheduled for August 18, 2022.

6 8. The parties agree that the two Block Bits Civil Cases and the two Block Bits Criminal
7 cases are “related” within the definition of Local Rule 3-12. All four cases involve the same alleged
8 transactions or events, *i.e.*, the promotion of the Block Bits Fund I by Dillman and Mata;
9 substantially the same witnesses and evidence; and substantially the same parties. In addition,
10 because of the similarity of charges and allegations in the four cases, “it appears likely that there will
11 be an unduly burdensome duplication of labor and expense or conflicting results if the cases are
12 conducted before different judges.” Local Rule 3-12.

13 9. THEREFORE, the parties stipulate and agree that the two Block Bits Civil Cases are
14 related to the Mata Criminal Case, and should be reassigned to Judge Seeborg.

15 IT IS SO STIPULATED.

16 Dated: July 15, 2022

17 /s/ John Han
18 John K. Han
19 Attorney for
20 Plaintiff Securities and Exchange Commission
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1 Dated: July 15, 2022

/s/ David Callaway /jkh with permission
David R. Callaway
Goodwin Proctor LLP
601 Marshall St.
Redwood City, CA 94063
650-752-3261
Attorney for Defendant David Mata

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6 Dated: July 15, 2022

/s/ Japheth Dillman/ jkh with permission
Japheth Dillman for
Block Bits Capital, LLC,
Block Bits Capital GP I, LLC,
and Japheth Dillman


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11 I, John K. Han, am the ECF User whose ID and password are being used to file the foregoing.
12 I hereby certify that, by agreement, copy of the foregoing was served by electronic mail to David
13 Callaway, attorney for David Mata, and Japheth Dillman, this 22nd day of July, 2022.
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18 **ORDER**

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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21 DATED: July 19, 2022


THE HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE